

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN LABORERS PENSION FUND,
WISCONSIN LABORERS HEALTH FUND,
WISCONSIN LABORERS APPRENTICESHIP &
TRAINING FUND, BUILDING & PUBLIC WORKS
LABORERS VACATION FUND,
JOHN J. SCHMITT, In his capacity as Trustee,
WISCONSIN LABORERS DISTRICT COUNCIL,
WISCONSIN LABORERS-EMPLOYERS
COOPERATIVE AND EDUCATION TRUST FUND,

Plaintiffs,

Case No.: 17-cv-901

v.

THE BRISTOL GROUP, LLC and
METROSCAPES, LLC,

Defendants.

DENIAL OF ENTRY OF DEFAULT

Plaintiffs have requested that the Clerk of Court enter default against defendant Metroscapes, LLC, pursuant to Federal Rule of Civil Procedure 55(a). This request will be denied. Plaintiffs' declaration (Docket #30) states that "The Summons and Complaint were personally served upon Metroscapes on August 20, 2018. (Docket #18)." After reviewing the court's docket sheet, it does not appear that plaintiffs ever requested, or the court ever issued, a summons to Metroscapes, LLC. In addition, the Affidavit of Service filed at Docket #18 does not indicate that a summons was served. The only document that appears to have been served was the Amended Complaint.

Fed. R. Civ. P. 4(c)(1) states that a summons must be served with a copy of the complaint. Therefore, entry of default is denied as to Metroscapes, LLC.

Dated this 28th day of September, 2018.

s/L. Kamke, Deputy Clerk
PETER OPPENEER
Clerk of Court
United States District Court
Western District of Wisconsin